

Application Serial No.: 09/898,164
Attorney Docket No.: 0260123

REMARKS

This is a Supplemental Amendment and Response being filed subsequent to filing of the Request for Continued Examination, dated May 9, 2007. The Examiner has rejected claims 1-4, 8, 10-13, 38-46 and 51-57. By the present Supplemental Amendment and Response, applicant has amended claims 1 and 38, cancelled claims 46 and 51-57, and added new claims 58-68. After the present Supplemental Amendment and Response, claims 1-4, 8, 10-13, 38-45 and 58-68 are pending in the present application. An early Notice of Allowance for claims 1-4, 8, 10-13, 38-45 and 58-68, in view of the following remarks, is respectfully requested.

A. Rejection of Claims 1-4, 8, 10-13, 38-46 and 51-57

By the present amendment, applicant has amended claim 1 to recite "radiating an audio signal including the token with the programming from the broadcast receiving appliance, wherein the token is radiated outside of a normal hearing frequency range of an acoustic spectrum of the audio signal." It is respectfully submitted that the above amendment is well supported by the present application, e.g. see page 7, lines 7-9:

The broadcast receiving appliance radiates the token, shown at 336. For example, if the token is encoded as an audio signal, a consumer's television would radiate the token as part of the acoustic spectrum, preferably outside of a normal hearing frequency range.

Applicant respectfully submits that Mankovitz, et al., just like other cited references, fails to disclose, teach or suggest that the token is radiated outside of a normal hearing frequency range of the acoustic spectrum. Accordingly, it is respectfully submitted that claim 1, as amended, and its dependent claims 2-4, 8 and 10-13, should be allowed at least for the reasons stated above.

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Further, independent claim 38 has also been amended to recite “a token capture device configured to receive the token signal radiated from the broadcast receiving appliance outside of a normal hearing frequency range of an acoustic spectrum of the audio signal.” Accordingly, it is respectfully submitted that claim 38, as amended, and its dependent claims 39-45, should also be allowed at least for the reasons stated above in conjunction with patentability of claim 1.

Also, applicant has cancelled claims 46 and 51-57 by the present amendment. Accordingly, it is respectfully submitted that the Examiner’s rejection of claims 46 and 51-57 has been rendered moot.

B. New Claims 58-68

By the present amendment, applicant has added new independent claims 58, 62 and 65, and their respective dependent claims 59-61, 63-64 and 66-68. New independent claim 58 recites “wherein the audio signal include the token outside of a normal hearing frequency range of an acoustic spectrum of the audio signal.” Further, new independent claims 62 and 65 include similar limitations.

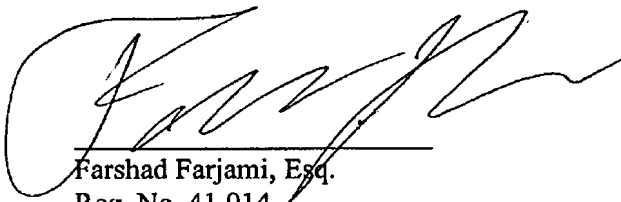
Accordingly, it is respectfully submitted that new independent claims 58, 62 and 65, and their respective dependent claims 59-61, 63-64 and 66-68, should also be allowed at least for the reasons stated above in conjunction with patentability of claim 1.

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C. Conclusion

Based on the foregoing reasons, an early Notice of Allowance directed to all claims 1-4, 8, 10-13, 38-45 and 58-68 pending in the present application is respectfully requested.

Respectfully Submitted,
FARJAMI & FARJAMI LLP


Farshad Farjami, Esq.
Reg. No. 41,014

FARJAMI & FARJAMI LLP
26522 La Alameda Ave., Suite 360
Mission Viejo, California 92691
Telephone: (949) 282-1000
Facsimile: (949) 282-1002

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May 29, 2007
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Lesley L. NING
Name


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